

**MINUTES OF A REGULAR MEETING OF  
THE ENVIRONMENTAL QUALITY AND  
ENERGY CONSERVATION COMMISSION**

**1. CALL TO ORDER**

The Torrance Environmental Quality and Energy Conservation Commission convened in a regular session at 7:05 p.m. on Thursday, December 6, 2012 in the West Annex meeting room at Torrance City Hall.

**2. ROLL CALL:**

Present: Commissioners Chim\*, DeWitt, Reilly, Robbins,  
Watson\*, and Chairperson Griffiths.

Absent: Commissioner Gobble.

Also Present: Deputy Community Development Director Cessna,  
Senior Environmental Quality Officer Duncan,  
Torrance Animal Control Supervisor LaPlante, and  
Torrance Animal Control Officer Behn.

\*Commissioner Watson arrived at 7:10 p.m.; Commissioner Chim arrived at 7:12 p.m.

**MOTION:** Commissioner Reilly moved to grant Commissioner Gobble an excused absence for the December 6, 2012 Commission meeting. Commissioner Robbins seconded the motion; a voice vote reflected unanimous approval.

**3. SALUTE TO THE FLAG**

Commissioner Reilly led the Pledge of Allegiance.

**4. POSTING OF THE AGENDA**

**MOTION:** Commissioner Robbins, seconded by Commissioner Reilly, moved to accept and file the report of the secretary on the posting of the agenda for this meeting; a roll call vote reflected unanimous approval (absent Commissioner Gobble).

**5. ORAL COMMUNICATIONS FROM THE PUBLIC**

Tom Marshall, Reynosa Drive, asked the Commission to write letters to legislators and Metro regarding delays caused by the new Express Lanes on the 110 Freeway through downtown Los Angeles. He stated that at 6:00 a.m. the freeway is backing up and that it takes him longer to commute home because it takes so much longer to get to the carpool lanes. He voiced support for HOV "green" clean air vehicles to be allowed back in the Express Lanes.

**6. APPROVAL OF MINUTES**

Deferred to the February 7, 2013 Commission meeting.

**7. ANIMAL MATTERS**

**7A. APPEAL OF ADMINISTRATIVE HEARING ON OCTOBER 24, 2012 HELD FOR A DOG BELONGING TO JOHN SCHUHMACHER**

Chairperson Griffiths explained the policies and procedures of the Environmental Quality and Energy Conservation Commission, including the right to appeal decisions to City Council.

Deputy Director Cessna recused herself from this appeal as she was the Hearing Officer for the October 24, 2012 Administrative Hearing.

Animal Control Officer Behn provided background on incidents that led to the October 24, 2012 Administrative Hearing regarding a dog named Roxy kept at West 238<sup>th</sup> Street. She stated that the Hearing was held to determine whether Roxy was to be declared “dangerous” pursuant to Torrance Municipal Code section 41.9.1. It was determined at the Hearing that, having bitten humans unprovoked on two separate occasions within a five-month period, Roxy is a potentially dangerous dog. The owner, Mr. Schuhmacher, was informed that Roxy was to be permanently removed from the City within 30 days, with conditions set for the time a new home could be found. She stated that Animal Control recommends that the appeal be denied and that the findings of the Hearing Officer stand.

John Schuhmacher, West 238<sup>th</sup> Street, appellant, maintained that the incidences occurred on his property and that Roxy, a six year old Boxer mix, is very protective and cautious around strangers, but not dangerous. He stated that Roxy became afraid of everything after being hit by a car approximately a year ago. He noted that after the first incident Roxy was always tethered and secured, and explained that the second event occurred after her collar broke in half.

He stated that Roxy is now living in Virginia with his son and requested that the decision be repealed due to conditions that must be met in Stafford County, Virginia, under their Dangerous Dog protocol. He maintained that, prior to the Hearing, Officer Behn told him that Roxy would not be allowed to remain in Torrance. He stated that he was not informed of the purpose of the Hearing and was misled on the potential outcome. He stated that he could have transferred Roxy to Virginia with no restrictions if he had not gone to the Hearing.

Mr. Schuhmacher distributed photographs of Roxy and read statements of support from neighbors Julie Tan, Kyle Holminick, and Lillian Wang on behalf of Roxy.

Eugene Wee, West 238<sup>th</sup> Street, stated that he lives next door to the appellant and does not believe that Roxy is dangerous.

James Yang, West 238<sup>th</sup> Street, neighbor, stated that he saw Roxy on a daily basis and does not believe she is an aggressive animal.

Luis Herrera, Jr., Anza Avenue, stated that he has visited the Schuhmachers on numerous occasions and found Roxy to be playful and loving.

P.J. Schuhmacher, West 238<sup>th</sup> Street, stated that he lived with Roxy since she was a puppy and that she was always friendly to visitors.

Vince Salas, Long Beach, victim of the first dog bite incident, maintained that he walked down the driveway and did not provoke Roxy in any way. He related what happened, stated that he was not taking sides, and noted that he did not think Roxy should be "put down."

Animal Control Supervisor LaPlante maintained that Roxy was allowed to run stray and that both cases were unprovoked bites, adding that the second bite was severe. He noted that Animal Control deemed Roxy potentially dangerous and they do not want Roxy back in Torrance to cause more problems. He stated that care of dogs is up to Virginia and, if the appeal is granted, Roxy could come back to the City.

Mr. Schuhmacher reiterated that Roxy was running free on his own property. He stated that he went to the Hearing in hopes that he might be able to keep her and he now regrets having attended. He noted that he could have moved Roxy to Virginia before the Hearing without any restrictions. He stated that he would not bring Roxy back to Torrance and asked that the restrictions be removed because her present environment is rural and very different than here.

In response to Commissioner Watson's inquiries, Animal Control Officer LaPlante stated that he is satisfied with the dog's current status and clarified that to his knowledge Roxy did not receive any other citations or neighbor complaints.

Commissioner Robbins stated that conditions have been met and putting Roxy down is no longer an option.

Mr. Schuhmacher responded that rulings cross state lines and that his son is required to abide by the regulations imposed at the Hearing. He expressed concern that if his son does not follow the conditions, Virginia would put Roxy down because they the City informed them that she is a potentially dangerous dog.

Responding to Commissioner Chim's inquiry, Mr. Salas stated that he does not have an opinion if Roxy is dangerous because he has not been around her often enough.

In response to an inquiry by Commissioner Riley, Mr. Schuhmacher described the shared driveway of the property and clarified that his front yard is not fenced. He explained that Roxy was tethered to an iron bench by a cable when the second incident occurred after her collar broke. He mentioned that it is very difficult to muzzle a boxer's nose and stated that he never had a problem walking her on a leash.

Responding to Commissioners' inquiries, Animal Control Officer LaPlante stated that Stafford County, Virginia was notified as a courtesy and that the County has its own set of 10 conditions, as listed in the material of record. He provided clarification that it was never an option not to hold a Hearing and that the Hearing would have been held without Mr. Schuhmacher with the same outcome likely.

In response to Commissioner Robbins' inquiry, Animal Control Officer Behn stated that she had a conversation with Mr. Schuhmacher and asked if he had someone he could send the dog to but had not directed him to take that action.

Responding to Commissioner Riley's inquiry, Mr. Schuhmacher explained that he is appealing the ruling because he was told by the Animal Control Division in Virginia that if the appeal is successful that they would not apply any regulations to the dog.

**MOTION:** Commissioner Robbins moved to close the public hearing. Commissioner Watson seconded the motion; a roll call vote reflected unanimous approval (absent Commissioner Gobble).

Commissioner Robbins questioned if the decision could be modified to state only that Roxy is not allowed to reside in Torrance. He suggested that doing so might change the restrictions applied in Virginia.

Chairperson Griffiths stated that Roxy meets the definition in the TMC for a potentially dangerous dog, that the Hearing Officer made a determination, and that the Commission can decide whether the decision is appropriate. He stated that they can choose to deny the appeal by upholding the findings of the Hearing Officer in whole, uphold the findings with changes to the conditions, or reject the findings of the Hearing Officer and make a new recommendation and findings.

Commissioner DeWitt expressed support for the Hearing Officer's findings and stated that this is the best case the appellant could hope for.

**MOTION:** Commissioner Watson moved to deny Appeal 2012-11 and to uphold the findings of the Hearing Officer in whole for the October 24, 2012 Dangerous/Vicious Dog Hearing DR#120058679. Commissioner Dewitt seconded the motion; the motion passed on a 5-1 roll call vote as follows:

Aye: Commissioners Chim, Dewitt, Reilly, Watson, and Chairperson Griffiths  
Nay: Commissioner Robbins  
Absent: Commissioner Gobble

## **8. ENVIRONMENTAL MATTERS**

### **8A. SURFRIDER ENVIRONMENTAL ISSUES REPORT**

Craig Cadwallader, representing South Bay Chapter of the Surfrider Foundation, provided an overview of current campaigns relating to environmental issues. He discussed the campaign to reduce the use of expanded polystyrene foam, particularly for take-out food service items, and the dangers it represents. He stated that they are also trying to reduce plastic litter brought about by single-use plastic bags and discussed the significant damage they cause our environment. He noted that the City of Manhattan Beach, having won a legal challenge, is now implementing bag restrictions. He discussed the campaign to reduce cigarette butt litter, noting that it is the number one item cleaned up on beaches. He stated that the City of Hermosa Beach has recently banned outdoor smoking and that the Chapter is purchasing and installing cigarette butt receptacles for designated smoking areas. He discussed the success of bans on outdoor smoking, polystyrene, and single use plastic bags in the City of Calabasas.

He shared information about the Chapter's involvement with the Ocean Friendly Gardens program and the campaign to convince cities to put in native plants that do not require much water. He stated that they are also involved with the Hermosa Beach drilling issue and the "Not the Answer" campaign to protect the coastal zone. He discussed the "Teach and Test" program where high school students conduct water sampling of Ballona wetlands and efforts to expand the wetlands. He talked about sea level rise, coastal erosion, and failed attempts to replenish beaches with more sand. He pointed out that Los Angeles County has the largest beach attendance in the world and stressed the importance of taking a holistic, comprehensive approach to protect this precious asset.

Mr. Cadwallader asked for the Commission's support in recommending to City Council that Torrance be proactive in adopting some of these measures that would ultimately benefit the City. He requested that the Chapter be given the opportunity to conduct education and public awareness and offered to provide sample ordinances. He also suggested holding public hearings with stakeholders and residents to gauge what their feelings are about these topics.

Commissioner Watson shared information about the planting of demonstration gardens at West High School and involvement of high school students in collecting and assessing wetlands water samples.

In response to Commissioner Reilly's inquiry, Mr. Cadwallader discussed problems of sand erosion at Broad Beach in Malibu.

Commissioner DeWitt stated that he participated in a coastal clean up day and agreed that cigarette butts were the dominant litter picked up. He added that businesses appear to be more receptive to a plastic bag ban now and pointed out that the campaign needs to be approached carefully because Torrance is a "balanced" city.

When Chairperson Griffiths asked staff how the Commission might proceed, Deputy Director Cessna recommended folding some of the measures into the Climate Action Plan. She suggested selecting ideas that have merit and taking them to City Council for their consideration before moving forward.

Hope Witkowsky, Mesa Street, stated that an ordinance is only as good as its enforcement and recommended that staff condense the information and bring it back to the Commission with its recommendations.

Responding to a question from Commissioner Watson, Deputy Director Cessna clarified that there are smoking bans in place at the beaches and parks in Torrance.

Chairperson Griffiths suggesting selecting one or two issues for the Commission to consider that might lead into a public forum.

Commissioner Robbins stated that the presentation was too broad and that it is important to have an issue that is concise, addressable, and enforceable.

Deputy Director Cessna offered to invite Holly Maynes, National Council on Alcoholism and Drug Dependency in Torrance, back to the Commission to discuss an

outdoor smoking ban. Referring to bans on plastic bags and polystyrene, she stated that it is important to get approval from City Council before moving forward with outreach.

Commissioner Watson stated that she would like to have Ms. Maynes return and expressed interest in more information and a possible action item regarding an outdoor smoking ban.

Chairperson Griffiths recommended that staff research proposed ordinances and communicate with City Council regarding the proposed ban on polystyrene, plastic bags, and outdoor smoking.

Commissioner Riley stated that she would like to see changes made in the Climate Action Plan that could influence people's lives without personal compliance enforcement. She indicated that enforcing a ban on plastics and polystyrene would be easier than enforcing an outdoor smoking ban.

Commissioner DeWitt requested information about actual impacts of a potential ban and suggested tying the movement in with the City's All America City effort.

Commissioner Robbins stated that it would be more effective to take a positive, educational approach in getting people to do the right thing.

Commissioner Chim received clarification from staff that Los Angeles County controls the ice plant at Torrance Beach.

Deputy Director Cessna stated that she would ask Holly Maynes to come to the February 2013 Commission meeting and would research how to tie a ban on plastic bags and polystyrene into the Climate Action Plan. She suggested discussing some of these topics with City Council at a future joint meeting.

The Commission was in recess from 9:25 p.m. to 9:29 p.m.

#### **8B. POTENTIAL LEAF BLOWER ORDINANCES AND PUBLIC OUTREACH**

Deputy Director Cessna presented suggestions for possible approaches to leaf blower regulation:

- Ban the use of all leaf blowers in the City;
- Ban the use of gas powered leaf blowers only;
- Ban any leaf blower which operates in excess of a given decibel level; or
- Regulate hours of operation.

She noted that in addition many jurisdictions stipulate the way leaf blowers must be equipped while others allow use only in certain zones of the city. She stated that public outreach presenting the options being considered would be an important component. She noted that the City's Strategic Plan addresses the issue of airborne particulate matter as a part of the goal to improve air quality, adding that there is less particulate matter with electric blowers than gas blowers.

She pointed out that a ban would be an extreme hardship for Park Services and recommended a hybrid approach--to allow the use of leaf blowers in industrial, commercial and open space, parks, and other City facilities that are a certain size. She

offered other suggestions to explore leaf blower exchanges from gas to electric and incentive-based rather than regulatory programs, pointing out enforcement challenges. She requested that the Commission recommend what options it favors in addressing leaf blowers and that these recommendations would be taken to City Council for their approval prior to moving forward. She distributed a letter from Commissioner Gobble listing concerns about leaf blowers that he has received from multiple residents over the last four years.

When Commissioner Robbins expressed concern that none of the suggestions address the blowing of debris into the street, Senior Environmental Quality Officer Duncan stated that the Fire Department is responsible for enforcing that violation.

Commissioner Reilly stated that, if the issue of particulate matter is being addressed, gas and electric blowers both contribute and that contributing causes and how to achieve reduction should be explored. She raised the issue of possible unintended consequences if seeking a total ban of blowers and suggested contacting the City of Santa Monica that has a complete ban in place.

Commissioner Watson raised the possibility that the City replace its gas blowers with electric blowers.

Hope Witkowsky, Mesa Street, offered her observation that gardeners blow grass, dirt, and leaves into the streets. She suggested sending letters to all large companies on major streets warning them of fines and urging them to communicate with their gardeners. She voiced her concern about noise pollution and recommended having an ordinance banning use of blowers on Saturdays and Sundays.

Chairperson Griffiths stated he is concerned about particulate matter but does not see a way to regulate it, and that his major complaint about leaf blowers is noise. He suggested that commercial gardeners be limited to the day before trash pickup, noting that there would be noise pollution on only one day instead of seven days. He further suggested sending letters to gardeners in the City telling them not to blow debris into the street.

Commissioner DeWitt suggested allowing only one designated gardener on the street on that one day and also pointed out that lawnmowers and edgers make just as much noise as leaf blowers.

Commissioner Chim expressed hope that in the future the City can ban leaf blowers when it would not cause such a financial hardship. She received clarification that gardeners should have business licenses and suggested putting inserts in utility bills to residents stating that it is illegal to blow debris into the street.

Commissioner Reilly and Chairperson Griffiths agreed that lawn mowers and other power-driven gardening equipment are just as noisy as leaf blowers.

Hope Witkowsky suggested focusing on a letter to commercial entities mandating that all businesses communicate with their gardeners, instituting fines for violations and a hotline for residents to call in and report, and restricting hours of operation.

Deputy Director Cessna offered to bring back a list of ideas that include an educational program, gas to electric blowers, outreach to commercial properties, ordinance to regulate hours, and gardeners on the day before trash pickup. She stated that the Commission could formulate the basic direction it wants to take and then staff would make sure City Council is on board before proceeding.

**9. NEW BUSINESS, 10. ORAL COMMUNICATION**

Items 9 and 10 were combined.

**9A.** Commissioners and staff expressed their appreciation to Commissioners Watson and Reilly for their years of service on the Commission and bid them a fond farewell.

**9B.** Commissioners and staff wished each other a happy holiday season.

**9C.** Commissioner DeWitt shared information about the Car to Go project that is starting up in the South Bay and about a Redondo Beach company that rents living Christmas trees.

**9D.** Commissioner Watson stated that she enjoyed going on the Metropolitan Water District inspection tour to Diamond Valley Lake and treatment plant and distributed a book Four Fish and Centennial postcards.

**11. ADJOURNMENT**

**MOTION:** At 10:20 p.m., Commissioner Watson moved to adjourn the meeting to February 7, 2013 at 7:00 p.m. in the West Annex meeting room. Commissioner Reilly seconded the motion and, hearing no objection, Chairperson Griffiths so ordered.

Approved as Submitted February 7, 2013 s/ Sue Herbers, City Clerk
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